

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and
MULLEN AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-11268-KPF

Hon. Katherine Polk Failla

NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Opposition to Petitioners' Motion for Summary Judgment (ECF No. 58, the "Motion") and in Support of Respondents' Cross-Motion for Summary Judgment (the "Cross-Motion"), the Joint Rule 56.1 Statement of Undisputed Material Facts (ECF No. 62) and Joint Appendix of Exhibits (ECF No. 64) submitted in connection with the parties' respective motions, and all papers and proceedings had herein, Respondents Mullen Automotive, Inc. and Mullen Technologies, Inc., by their undersigned attorneys, will petition this Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time to be set by the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 9 U.S.C. § 201 *et seq.*, and the Federal Arbitration Act, 9 U.S.C. § 10 *et seq.*, for an Order (i) denying Petitioners' Motion; (ii) granting Respondents' Cross-Motion to vacate an interim measures order issued on January 24, 2024 by the arbitrator presiding over an arbitration proceeding between Respondents and Petitioners GEM

Yield Bahamas Limited and GEM Global Yield LLC SCS, entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*, AAA Case No. 01-21-0016-7001; and (iii) granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
May 6, 2024

Respectfully Submitted,

MCDERMOTT WILL & EMERY LLP

By: /s/ David K. Momborquette

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*Attorneys for Respondents Mullen Automotive, Inc.
and Mullen Technologies, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on May 6, 2024, I caused the foregoing Notice of Cross-Motion for Summary Judgment to be served on the following counsel for Petitioners via email. The following counsel have confirmed that they represent Petitioners in this action and provided written consent to electronic service via email.

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